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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,738	08/22/2001	Ingo Molnar	019322-000340	9016
24239 7590 10/26/2010 MOORE & VAN ALLEN PLLC P.O. BOX 13706 Research Triangle Park, NC 27709				
EXAMINER				
CHOUDHURY, AZIZUL Q				
ART UNIT		PAPER NUMBER		
2453				
MAIL DATE		DELIVERY MODE		
10/26/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/934,738

Applicant(s)

MOLNAR, INGO

Examiner

AZIZUL CHOUDHURY

Art Unit

2453

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Paper No(s)/Mail Date 6/8/2010

Detailed Action

This office action is in response to the correspondence received on August 13, 2010.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muthuswamy et al (US Pat No: 6,606,525) in view of Curtis (US Patent No: 6,934,761), hereafter referred to as Muthuswamy and Curtis, respectively.

1. With regards to claims 1, 5, 9 and 11, Muthuswamy teaches through Curtis, in a communication server, a method of responding to a client application of a computer, the method comprising: a cache disposed in an operating system kernel (*Muthuswamy teaches a cache within a client computer; see column 2, lines 19-20, Muthuswamy*); receiving from the client application an application protocol request (*Muthuswamy teaches the client making a webpage request (application protocol request); see column 3, lines 39-41 and column 4, lines 43-44, Muthuswamy*) corresponding to a response that can be displayed as a combination of a portion of the response that changes and a part of the response

that is static (*Muthuswamy teaches the requested webpage is received as a combination of dynamic content (portion of the response that changes) and static content; see column 4, lines 39-46, Muthuswamy*); creating, by the server, the portion of the response that changes (*Muthuswamy teaches the dynamic content portion of the webpage being from the server; see column 3, lines 39-41, Muthuswamy*); sending the portion of the response that changes to the client application and retrieving at the server the part of the response that is static from a cache disposed in an operating system kernel of the server, wherein the server is separate from the computer (*Muthuswamy teaches a webpage being downloaded to a client (from a server), the webpage containing static and dynamic data; see column 3, lines 5-7, Muthuswamy. A kernel is an inherent part of an operating system and a server inherently has an operating system. Also see Curtis below*); and sending the part of the response that is static from the server to the client application of the computer (*Muthuswamy teaches sending both static and dynamic data to the client (from the server); see column 3, lines 5-7 and Figure 6, Muthuswamy*).

While Muthuswamy teaches a system for a dynamic (portion that changes to the application) and static webpage, Muthuswamy does not explicitly recite a "response to a request." In the same field of endeavor, Curtis also teaches a web server design. Within Curtis' disclosure it is taught how a client makes a HTTP request (webpage request) and the server responds to request; see column 2, lines 48-51, Curtis. In particular, the request and response is handled

by the cache within the kernel of the server; see column 2, lines 46-51, Curtis.

Handling the server requests and responses at the kernel cache level allows for minimum processing resources to be required. Therefore it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Muthuswamy with those of Curtis to handle web server requests and responses at the kernel cache level with minimum processing resources; see column 2, lines 35-36, Curtis.

2. With regards to claims 2, 6, 10, 13 and 14, Muthuswamy teaches through Curtis the method wherein the cache disposed within the operating system kernel is a protocol object cache (*see column 3, lines 14-15, Muthuswamy and see column 2, lines 46-51, Curtis*).
3. With regards to claims 3, 4, 7, 8 and 12, Muthuswamy teaches through Curtis the method wherein the application protocol request and the reply are formatted according to a hypertext transmission protocol (HTTP) (*see within Muthuswamy, Figure 2, element 32 indicates the URL supporting HTTP*).
4. The obviousness statement applied to claims 1, 5, 9 and 11 are applicable to their respective dependent claims.

Response to Arguments

Applicant's arguments filed August 13, 2010 have been fully considered but they are not persuasive. The following are the examiner's response to the applicant's representative's arguments.

In lieu of the claim amendments, the 101 rejection previously issued has been withdrawn. For the record however, the 101 rejection was overcome not by the addition of a "server" in some of the claims but, rather by the inclusion of the terms "computer", "non-transitory computer readable medium" and "processor" within various independent claims. In the art, a server can be hardware or software. The applicant's specifications also fail to detail a server as being a hardware device. However, computers, processors and non-transitory mediums are recognized in the art as being hardware devices. It is because of such language that the 101 rejection has been withdrawn.

The applicant's representative also amended the claims to better highlight how a server sends to the client, a response (website), part of which is static and part of which changes (dynamic). This is also the applicant's representative's principle argument. The applicant's representative contends that Muthuswamy fails to teach the server sends dynamic and static content to the client. That is, the applicant's representative continuously contends that Muthuswamy only teaches sending dynamic content from the web server. The examiner disagrees with this assertion. Muthuswamy teaches within Figure 6 and column 3, lines 5-7 that the client downloads static and dynamic data (from a server). That is, Muthuswamy discloses a network wherein a webpage (a response) is sent to the client (from a server) that contains both dynamic data (portion of the response that changes) and static data.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Patent/PGPUB No:	Inventor:
US 5835914 A	Brim
US 5946458 A	Austin et al.
US 6363357 B1	Rosenberg et al.
US 6615088 B1	Myer et al.
US 6801529 B1	McGrane et al.
US 20020152232 A1	Uppiano et al.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AZIZUL CHOUDHURY whose telephone number is (571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./

Examiner, Art Unit 2453

/Krista M. Zele/

Supervisory Patent Examiner, Art Unit 2453